UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,759	07/23/2001	Lee C. Harrison	922-141	2504

23117	7590	04/03/2006

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4 and 6-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,6,7 and 10* is/are rejected.

7)☐ Claim(s) *4,8,9,11 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims **1, 6**, 3, 7, **10** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Travostino et al. (US 6696085 B2).

        Regarding Claims 1, 6, Travostino et al. disclose the limitation of a system for receiving

data signals (Fig. 1, column 5, lines 18 – 31, recited wireless communication system 300 as

system, protocol message as data signals), said system comprising a dumb node (Fig. 4, element

306 TAP device as dumb node) comprising a radio receiver including a baseband processor for

accepting a spread signal (recited Bluetooth is a wireless access protocol) and for providing

therefrom serial data signals composed of data frames each including a packet payload (Fig. 4,

element 306, TAP device as radio receiver, element 224, baseband transceiver logic with HCI

firmware as a radio receiver, baseband transceiver logic as base-band processor, sending and

receiving protocol message over the wireless medium as serial data signals);   a decoder (Fig. 4,

element 401 "PPPoE control protocol logic"; element 412 "PPP logic"; element 228 "HCI driver

logic"; element 230 "L2CAP logic"; element 232 "LMP logic" as decoder). A phyical link (Fig.

4, connection indication line between element 306 TAP device and element 307BE device,

column 7, lines 37 – 38, recited "over a pre-established PPP/PPPoE communication connection

as physical link), having a first end at said radio receiver (Fig. 4, element 306 TAP device) and a

second end at said decoder (Elements 401, 412,228,230,232 of BE device 307) for conveying

said serial data signals from said radio receiver to said decoder (column 7, lines 34 – 38); an

encapsulator at said first end for encapsulating said data frames within Ethernet frames to be

transmitted across the physical link (column 7, lines 39 – 45; Fig. 7, elements 708, 710, recited

TAP device as first end, encapsulates the wireless layer 2 packet in a PPP/PPPoE packet as

encapsulator for encapsulating data frames within Ethernet Frame, "over a pre-established

PPP/PPPoE communication connection as physical link). A de-encapsulator at said second end

(Fig. 8, elements 806, 808, recited BE device as second end) for receiving said Ethernet frames

from said link and de-encapsulating said Ethernet frames to recover said data frames (Fig. 8,

column 8, lines 13 – 21, recited the logic decapsulates the wireless layer 2 packet); an intelligent

node (Fig. 4, element 307 BE device as intelligent node) including said de-encapsulator (Fig. 8,

elements 806, 808), said decoder (Elements 401, 412,228,230,232 of BE device 307), a protocol

processor (elements 240 "IP logic", 246 "ARP logic"; 242 "DHCP logic";) for developing

addressed Ethernet data packets from said data frames, and a bridge for coupling said addressed

Ethernet data packets to a network (Fig. 4, element 242 DHCP logic, column 6, lines 40 – 42, IP

address ; column 8, lines 1 – 12, element 108, host computer as a network).

Regarding claims 3 and 7, Travostino et al. disclose the limitation of a system as in

claimed wherein said encapsulator includes means for tagging said data frames before they are

encapsulated within Ethernet packets (Fig. 7, elements 708, 710; column 7, lines 59 – 66, recited

logic encapsulates the wireless layer 2 packet including the upper layer payload).

Regarding claim 10, Travostino et al. disclose the limitation of a method of

receiving signals and transmitting signals over a local area network (Fig. 4, column 7, lines 54 –

67; recited wireless protocol message received as receiving signals, element 402, and 244, LAN

as local area network; column 8, lines 1 – 12), comprising: receiving a spread-spectrum signal

containing message data (column 7, lines 54 – 56, recited wireless protocol message received as

spread-spectrum signal containing message data) and converting said spread spectrum signal

into serial data frames conforming to a host controller interface format (Fig. 4, column 5, lines

62 – 67; recited baseband transceiver logic with associated HCI firmware for sending and

receiving protocol messages over the wireless medium; column 7, lines 59 – 63, recited

encapsulates the wireless layer 2 packet); encapsulating said serial data frames into Ethernet

frames (column 7, lines 59 – 63, recited encapsulates the wireless layer 2 packet); conveying said

Ethernet frames over a physical link (column 7, lines 61 – 66, recited "over the pre-established

PPP/PPPoE communication connection" as physical link; receiving said Ethernet frames from

said physical link (Fig. 4, elements 306, 307 connection between these two elements, column 7,

lines 43 – 45, column 8, lines 1 – 2); de-encapsulating said Ethernet data frames to provide

recovered serial data frames (Fig. 8, column 8, lines 13 – 21, recited the logic decapsulates the

wireless layer 2 packet); developing by means of a protocol processor addressed Ethernet data

packets from said recovered serial data frames; and forwarding said addressed Ethernet data

packets to said local area network (Fig. 4, element 242 DHCP logic, column 6, lines 40 – 42, IP

address ; column 8, lines 1 – 12, element 108, host computer as a network).

Allowable Subject Matter

4.   Claims 4, 8, 9, 11,12 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

5.   Applicant's arguments with respect to claims 1,3,4, 6 – 12 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The

examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL   March 22, 2006
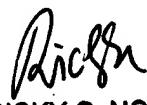
RICKY Q. NGO
SUPERVISORY PATENT EXAMINER